

REMARKS

Applicants submit this Reply in response to the Office Action mailed October 30, 2008. By this Reply, Applicants have amended independent claim 29. No new matter has been added. Claims 29-56 are present in the application. Of these claims, claims 37-56 have been withdrawn from consideration as being directed to non-elected subject matter. For at least the reasons outlined herein, Applicants respectfully request reconsideration of this application, withdrawal of the claim rejections, and allowance of the pending claims.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a); objected to the specification under 37 C.F.R. 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter; rejected claims 29-31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 2,218,830 ("Rose"); and rejected claims 32-36 under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of U.S. Pat. No. 2,950,338 ("Taylor").

Objections to the Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a), which requires the drawings to depict every feature recited in the claims. Specifically, the Examiner asserted that the features of "a further longitudinal housing having substantially circular cross-section and being centrally arranged in the cable for housing a reinforcing element or a neutral element as claimed in claims 32-35 must be shown No new matter should be entered." Office Action at 2.

In response, Applicants have amended the drawings to include Figure 10. Figure 10 clearly depicts "a further longitudinal housing having substantially circular cross-

section and being centrally arranged in the cable for housing a reinforcing element or a neutral element as claimed in claims 32-35.” No new matter has been added. Support for this amendment to the drawings can be found in Applicants’ specification at page 8, lines 10-20. A description of Figure 10 has also been added to the specification by this Reply and is described in more detail in the following section.

Accordingly, Applicants’ respectfully request the reconsideration and withdrawal of this objection.

Objections to the Specification

The Examiner also objected to the specification under 37 C.F.R. 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner stated that “the specification does not provide antecedent basis for the claimed subject matter of ‘a further longitudinal housing having substantially circular cross-section and being centrally arranged in the cable for housing a reinforcing element or a neutral element’ as claimed in the claims 32-35.” Applicants respectfully disagree. The “further longitudinal housing having substantially circular cross-section and being centrally arranged in the cable for housing a reinforcing element or a neutral element” is described in Applicants’ specification at page 8, lines 10-20:

Preferably, a further longitudinal housing is defined in the sheath, which further longitudinal housing is arranged centrally to the cable.

Preferably, said further longitudinal housing arranged centrally to the cable is intended to house a further transmissive element of the cable, such as for example a neutral or ground element.

Alternatively, said further longitudinal housing arranged centrally to the cable is intended to house a longitudinal reinforcing element of the cable which is able to ensure an adequate supporting action to the cable.

According to a preferred embodiment of the cable of the invention, the longitudinal housings, including the possible further longitudinal housing arranged centrally to the cable, have a substantially circular cross-section.

Further, by this Reply, Applicants have amended the specification to include a description of new Figure 10 which clearly depicts the “further longitudinal housing.”

Accordingly, Applicants’ respectfully request the reconsideration and withdrawal of this objection.

Rejections Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 29-31 under 35 U.S.C. § 102(b) as being anticipated by Rose. In order to properly establish that Rose anticipates Applicants’ claims under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in a single reference. M.P.E.P. § 2131. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the... claim.” See id., quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Rose does not disclose every element recited in Applicants’ amended independent claim 29. Amended independent claim 29 recites, in part, “a connector member comprising at least three perforating elements, a radially inner surface of the connector member having a substantially lobe-shaped portion which can be mated with a segment of the sheath.” Nowhere does it appear Rose discloses such features.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of independent claim 29 under 35 U.S.C. § 102(b) based on Rose. Moreover, claims 30 and 31 depend from independent claim 29, and thus, those

claims should be patentably distinguishable from Rose for at least the same reason as independent claim 29.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 32-36 as being unpatentable over Rose in view of Taylor. Applicants respectfully traverse this rejection because the Office Action has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it [is] necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, neither Rose nor Taylor, regardless of whether they are viewed alone or as a whole, teaches or suggests every feature recited in Applicants’ claims. As outlined previously herein, Rose fails to teach or suggest at least “a connector member comprising at least three perforating elements, a radially inner surface of the connector member having a substantially lobe-shaped portion which can be mated with a segment of the sheath,” as recited in amended independent claim 29.

The Examiner’s citation of Taylor fails to cure the deficiencies of the primary reference. Thus, even if the references were combined as the Examiner suggests, they do not teach or suggest all of the subject matter recited in Applicants’ independent claim

29. Claims 32-36 depend from independent claim 29, and thus, they are patentably distinguishable from Rose and Taylor for at least the same reasons as independent claim 29. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of dependent claim 32-36 under 35 U.S.C. § 103(a) based on Rose and Taylor.

Claim Scope

It is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of pending claims 29-36.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6435.

Applicants respectfully submit that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 24, 2009

By: 

Benjamin D. Bailey
Reg. No. 60,539
(404) 653-6435

Attachments: **New Sheet** depicting Figure 10